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09/896,521	06/28/2001	Hani El-Gebaly	10559-493001	8098

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/896,521	EL-GEBALY ET AL.
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>06/28/2001</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Appeal Brief received on 08/09/2006.

Response to Amendment

1.   This action is responsive to the application filed on 08/09/2006. Claim 1 has been amended. There are no newly added claims. Claims 1-30 are pending and represent a method and apparatus for "a Distributed Multipoint Conferencing."

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 12, 21, and 25 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by applicants' remarks in the response to the Office Action dated 06/05/2006. The dependent claims stand rejected as articulated in the Previous Office Action under the new reference below.

Information Disclosure Statement

3.   The references listed on the Information Disclosure Statement submitted on 06/28/2001 have been considered by the examiner (see attached PTO-1449A).

Allowable Subject Matter

4.   Claims 6, 8, 9, 15, 16, 22, 23, and 28-30 are objected to as being dependent

upon a rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 4, 5, 7, 10, 12-14, 17**are rejected under 35 U.S.C. 102(e) as being

anticipated by Pirich et al (Pirich), Patent No. 6,424,994 B1.

Regarding **claim 1**, Pirich discloses a method for setting up a distributed

multipoint conference among three or more endpoints without requiring centralized

control either for signaling or for mixing media streams (figs. 2 a-d; see abstract and

summary), the method comprising:

establishing a connection between a plurality of endpoints, including at least a

requesting endpoint and one or more other participating endpoints participating in a

conference with the requesting endpoint (column 2, lines 10-12; column 2, lines 47-

67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67);

initiating a connection from the requesting endpoint to at least a third endpoint,

the requesting endpoint identifying to the third endpoint the one or more other

participating endpoints participating in the conference with the requesting endpoint

(column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67;

column 7, lines 1-67; column 8, lines 1-67); and

the third endpoint directly establishing a connection between itself and the one

or more other participating endpoints identified by the requesting endpoint, the third

endpoint identifying the requesting endpoint to the one or more other participating

endpoints (column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column

6, 1-67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 4: Pirich discloses the method of claim 1 further comprising, in

response to the initiation of the connection from the requesting endpoint, establishing a

connection from the third endpoint to the requesting endpoint (see Pirich; column 2,

lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7,

lines 1-67; column 8, lines 1-67).

Regarding claim 5: Pirich teaches the method of claim 1, but fails to disclose a

method in which initiating a connection comprises sending an H.323 setup request

message that includes an identity of the one or more other participating endpoints (see

Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-

67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 7: Pirich teaches the method of claim 1 in which establishing the connection between the third endpoint and the one or more other participating endpoints comprises sending an H.323 setup request message that includes an identity of the requesting endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 10: the combination of Fabybishenko-Falck discloses the method of claim 1 in which the initiating and establishing are repeated to form an N-way conference, where N is an integer greater than three (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 12: the combination of Fabybishenko-Falck discloses a method of facilitating a multipoint conference among three or more endpoints, the method comprising:

receiving from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint, the invitation identifying one or more other participating endpoints participating in a conference with the requesting endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67); and

directly sending to each of the other participating endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying

the requesting endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-67;

column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67); and

directly sending to each of the other participating endpoints identified by the

requesting endpoint an invitation to establish a connection and information identifying

the requesting endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-

67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 13: Pirich discloses the method of claim 12 further comprising,

in response to receiving an invitation from the requesting endpoint, establishing a

connection with the requesting endpoint (see Pirich; column 2, lines 10-12; column 2,

lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines

1-67).

Regarding claim 14: Pirich discloses the method of claim 13 in which

establishing the connection with the requesting endpoint is order independent from

sending invitations to each of the other participating endpoints identified by the

requesting endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5,

lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 17: Pirich discloses the method of claim 12 further comprising,

in response to sending invitations to the other participating endpoints, receiving from

each of the other participating endpoints information establishing a connection (see

Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-

67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 21: Pirich discloses a machine-accessible medium including

instructions that, when executed, cause a machine to:

directly receive from an requesting endpoint information comprising an invitation

to establish a connection with the requesting endpoint and identifying one or more other

endpoints participating in a conference with the requesting endpoint (see Pirich; column

2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7,

lines 1-67; column 8, lines 1-67);

directly establish a connection with the requesting endpoint (see Pirich; column

2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7,

lines 1-67; column 8, lines 1-67);

directly send to each of the other endpoints identified by the requesting endpoint

an invitation to establish a connection and information identifying the requesting

endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-

67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67);

directly receive from each of the other endpoints information establishing a

connection (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines 48-

67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67); and

mix a plurality of unicast streams received from the inviting and other endpoints

to form a logical conference (see Pirich; column 2, lines 10-12; column 2, lines 47-

67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67).

Regarding claim 25: Pirich teaches the invention substantially as claimed. Hirni

discloses a system comprising:

a user interface configured to receive from a user of the application input

identifying one or more endpoints to be called to form a conference and to present a

plurality of media streams to the user in a format that suggests inter-relatedness of the

streams; and

H.323 protocol support for performing the following Internet Protocol (IP)

telephony operations:

(i) receive from an requesting endpoint information comprising an

invitation to establish a connection with the requesting endpoint and identifying

one or more other endpoints participating in a conference with the requesting

endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5, lines

48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67);

(ii) establish a connection with the requesting endpoint (see Pirich; column

2, lines 10-12; column 2, lines 47-67;column 5, lines 48-67; column 6, 1-67;

column 7, lines 1-67; column 8, lines 1-67);

(iii) send to each of the other endpoints identified by the requesting

endpoint an invitation to establish a connection and information identifying the

requesting endpoint (see Pirich; column 2, lines 10-12; column 2, lines 47-

67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-

67);

(iv) receive from each of the other endpoints information establishing a

connection (see Pirich; column 2, lines 10-12; column 2, lines 47-67;column 5,

lines 48-67; column 6, 1-67; column 7, lines 1-67; column 8, lines 1-67); and

(v) mix a plurality of unicast streams received from the inviting and other

endpoints to form a logical conference (see Pirich; column 2, lines 10-12; column

2, lines 47-67;column 5, lines 48-67; column 6, 1-67; column 7, lines 1-67;

column 8, lines 1-67).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2, 3, 11, 18-20, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Pirich, in view of Pearce et al (hereinafter Pearce) US Patent

No. 7,079,495 B1.

Regarding claim 2: Pirich teaches the invention substantially as claimed. Pirich

discloses a method for setting up a distributed multipoint conference among three or

more endpoints without requiring centralized control either for signaling or for mixing

media streams, but does specifically disclose the details of a method in which "the

connections between endpoints comprise connections that support unicast streams

endpoints".

In the same field of endeavor, Pearce discloses "...To avoid sending unwanted

messages to devices, a source device alternatively can transmit a unicast to each

intended destination device. Each unicast is an individual data stream sent to the

particular destination device. Unlike broadcast, the data stream is not forwarded to

unintended recipients. However, a separate, but identical, data stream must be

generated for each destination device. This is inefficient and consumes network

bandwidth. In addition, extra processing power and memory is required at the source

device to generate a message for each destination device..." [see Pearce; column 9,

lines 13-22].

Accordingly, it would have been obvious to one of ordinary skill in the networking

art at the time the invention was made to have incorporated *Pearce*'s teachings of a

connection that supports unicast streams, with the teachings of Pirich, for the purpose

of "...*providing useful applications such s client summing multicast conferences*

between unicast and multicast devices, music on hold transmitted to multicast and

unicast device, and silent monitoring of multicast calls by one or more unicast device..."

as stated by Pearce in lines 25-20 of column 31. By this rationale, **claim 2** is rejected.

Regarding claim 3: the combination of Pirich-Pearce discloses the method of

claim 1 further comprising at each of the endpoints, mixing streams received from each

of the other endpoints to form a logical conference (see Pearce; column 9, lines 50-67;

column 10, lines 1-8).

Regarding claim 11: The combination of Pirich-Pearce teaches the method of

claim 1, in which initiating a connection to a third endpoint is performed in response to

input received from a user of an Internet Protocol telephony application (see Pirich;

column 2, lines 60-67; column 3, lines 1-60).

Regarding claim 18: the combination of Pirich-Pearce discloses the method of

claim 12 further comprising mixing a plurality of unicast streams received from the

inviting and other participating endpoints to form a logical conference (see Pearce;

column 9, lines 1-67; column 10, lines 1-8).

Regarding claim 19: the combination of Pirich-Pearce discloses the method of

claim 18 in which the plurality of unicast streams include voice data or video data or

both (see Pearce; column 9, lines 1-67; column 10, lines 1-8).

Regarding claim 20: The combination of Pirich-Pearce teaches the method of

claim 12, in which the receiving and sending are performed by an Internet Protocol

telephony application (see Pearce; column 2, lines 60-67; column 3, lines 1-60).

Regarding claim 24: The combination of Pirich-Pearce teaches the machine

accessible medium of claim 21 in which the instructions are performed by an Internet

Protocol telephony application (see Pearce; column 2, lines 60-67; column 3, lines 1-

60).

Regarding claim 26: the combination of Pirich-Pearce discloses the application

of claim 25 wherein the application comprises a client application configured to be

executed on a computer system associated with the user, the client configured to

communicate with a remote server application to provide the user with IP telephony

functionality (see Pearce; column 2, lines 60-67; column 3, lines 1-60; see Pirich; column 5, lines 1-17).

Regarding claim 27: the combination of Pirich-Pearce discloses the application of claim 25 wherein, if two or more of the unicast streams comprise audio information, the user interface is configured to overlay the audio streams to suggest inter-relatedness (see Pearce; column 2, lines 60-67; column 3, lines 1-60; see Pirich; column 5, lines 1-17).

Conclusion

7.   Applicant's remarks in the Reply filed on 08/09/2006 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL**. The Examiner strongly anticipates a Final Rejection Office Action on the next response if amendments are not properly made to the claims to perhaps place them in condition for allowance. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

PATRICE WINDER
PRIMARY EXAMINER

JJG

November 13, 2006